

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

**CUN KUI WEI
A 71 500 117**

CIVIL ACTION NO.06-0049-M

VS.

SECTION P

ALBERTO GONZALES, ET AL.

JUDGE JAMES

MAGISTRATE JUDGE HAYES

REPORT AND RECOMMENDATION

Before the court is a petition for writ of *habeas corpus* (28 U.S.C. §2241) filed on January 9, 2006, by *pro se* petitioner Cun Kui Wei. Petitioner is an immigration detainee in the custody of the Department of Homeland Security/Bureau of Immigration and Customs Enforcement (DHS/ICE). He is presently detained at the Tensas Parish Detention Center, Waterproof, Louisiana.

This matter was referred to the undersigned for review, report, and recommendation in accordance with the provisions of 28 U.S.C. §636 and the standing orders of the court.

STATEMENT OF THE CASE

The factual allegations and claim for relief set forth in this pleading are identical to the allegations and claims set forth in a petition filed on December 19, 2006, and assigned Docket Number 3:05-cv-2203 of this court.

These actions raise identical claims for relief. Thus, it is clear that the litigation would be simplified if the instant action was closed and petitioner allowed to proceed with his claims in case number 3:05-cv-2203.

ACCORDINGLY,

IT IS RECOMMENDED that this suit be **DISMISSED** and **CLOSED** as duplicative.

Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed.R.Civ.P. 72(b), parties aggrieved by this recommendation have ten (10) calendar days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. A courtesy copy of any objections or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before he makes a final ruling.

A party's failure to file written objections to the proposed factual findings, conclusions, and recommendations reflected in this report and recommendation within ten (10) business days following the date of its service, shall bar an aggrieved party from attacking on appeal, either the factual findings or the legal conclusions that were accepted by the District Judge and that were not objected to by the aforementioned party, except upon grounds of plain error.

THUS DONE AND SIGNED in Chambers, Monroe, Louisiana, this 6th day of March, 2006.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE